# SENATE JOURNAL ELEVENTH DAY

# **MORNING SESSION**

The Senate was called to order at 10:00 a.m., with President R. Lane Beattie presiding.

**Roll Call**– All Senators present.

Prayer - Rabbi Frederick L. Wenger, Congregation Kol Ami.

On motion of Senator Tanner, the Senate voted to have the prayer of Rabbi Wenger spread upon the pages of the Senate Journal.

#### PRAYER BY RABBI FREDERICK L. WENGER

Thank you very much Mr. President for those high words of praise for Michelle and myself. I would like to maybe direct our thoughts before we pray. Sometimes it is assumed that when someone stands to lead you in prayer, that person is a performer and you are an audience and that makes, of course, the almighty a prompter of sorts. I would like to suggest that those priorities are wrong. I would like to suggest that rather, the person who leads you in prayer regardless of the tradition they stem from, is simply in the role of a prompter and that makes the people who are invited to pray performers, and we all know who the audience is. Please put in a performance worthy of your audience, God is quite demanding. It says in the book of proverbs "where there are no vision, the people parish" and so we ask the blessing of vision upon our state and especially on its Senate. Teach all of its members the insights of your sacred teaching. That they may administer all affairs of our state family, that peace and security happiness and prosperity justice and freedom may ever abide in our midst. Bless all the inhabitant of Utah with your spirit, so that citizens of all creeds and races will form a common bond in true brotherhood, to banish all hatred and bigotry and to safeguard the ideals and the free institutions which are our nations pride and glory. May we never ask the lord of the universe to come down to fight our wars or to make our peace or to build our house like a man with magic on his sleeve to do for us what we will not do for ourselves. Only this and this would be enough. May this sacred presence grow within us and may sacred words move our hands. Helping us to build our state into a bustling place of commerce, of healing, of learning and of worship. So that all of us will be able to say with pride, that we make our homes here in the best place on earth. Trying to make it even better even dustier, even holier. That there be no good hope among us that is not a command. That there be

no prayer among us that does not ask to become a deed. That there be no promise among us unless it be kept by us. May Utah become a place where every person matters. So shall our state so rich in beginnings grow mature in wisdom, ripe in understanding helping us to build a parable kingdom here on this war torn earth. Till we pause that each of us can offer up, this our own prayers in our own special and unique way for the source of all prayer. Praised are you eternal God, ruler of the universe who has kept us alive preserved us, and brought us to this sacred time. Amen.

#### READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 6)

#### **DAILY SENATE JOURNAL**

Mr. President:

January 29, 1998

Day 11

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the tenth day and find it correct with minor amendments noted on the final copy.

> Millie Peterson Committee Member

Committee report read and adopted.

#### **COMMUNICATIONS FROM THE HOUSE**

Mr. President:

January 28, 1998

The House passed, S.B. 125, REVISOR'S STATUTE, by Senator J. Holmgren, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.J.R. 11, JOINT RULES RESOLUTION -LEGISLATIVE EXPENSES, by Senator C. Peterson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 125** and S.J.R. **11** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

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Mr. President:

January 28, 1998

The House passed **H.B. 49**, EMERGENCY SERVICES AMENDMENTS, by Representative B. Holladay, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 78**, TESTING PERIOD FOR HEARING AIDS, by Representative L. Pace, and it is transmitted for consideration; and

The House passed **H.B. 209**, APPROPRIATION FOR OLENE WALKER HOUSING TRUST FUND, by Representative G. Adair, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 210**, AFFORDABLE HOUSING AMENDMENTS, by Representative W. Harper, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 219**, NOTICE OF RIGHTS TO REMOVE MECHANICS LIEN, by Representative M. Dillree, and it is transmitted for consideration; and

The House passed **H.B. 233**, ANTIDISCRIMINATION ADVISORY COUNCIL, by Representative G. Adair, and it is transmitted for consideration; and

The House passed **H.C.R. 1**, RESOLUTION SUPPORTING RESOURCES FOR AFFORDABLE HOUSING, by Representative R. Bigelow, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 49, H.B. 78, H.B. 209, H.B. 210, H.B. 219, H.B. 233**, and **H.C.R. 1** were read the first time and referred to the President of the Senate.

#### STANDING COMMITTEE REPORTS

Mr. President:

January 28, 1998

The Transportation and Public Safety Committee reports a favorable recommendation on **S.B. 20**, PENALTIES FOR SPEEDING IN CONSTRUCTION ZONES, by Senator D. Buhler, with the following amendments:

1. Page 1, Line 22:

Delete "the fine for the operator's speeding" and insert "a fine imposed by the court that is at least double the fine in the uniform recommended fine schedule established under Section 76–3–301.5 for the offense."

2. Page 1, Line 23: Delete all of line 23; and The Transportation and Public Safety Committee reports a favorable recommendation on **S.B. 90**, ASSAULTING A PEACE OFFICER, by Senator R. Evans, with the following amendments:

- 1. Page 1, Line 18: Delete "<u>180</u>" and insert "<u>90</u>"
- 2. Page 1, Line 21:

Delete "and" and insert ", or that the assault occurred during an act of civil disobedience, and the court"; and

The Transportation and Public Safety Committee reports a favorable recommendation on **S.B. 100**, RADAR JAMMING DEVICES, by Senator J. Hull; and

The Transportation and Public Safety Committee reports a favorable recommendation on **S.B. 110**, APPROPRIATION FOR OGDEN PARKWAY HIGHWAY UNDERPASS, by Senator R. Montgomery; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 202**, TRANSPORTATION CODE RECODIFICATION, by Representative M. Dillree.

Al Mansell, Chair

On motion of Senator Mansell, the committee reports were adopted. **S.B. 20, S.B. 90, S.B. 100, S.B. 110**, and **H.B. 202** were placed on Second Reading Calendar.

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Mr. President:

January 28, 1998

Day 11

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **S.B. 113**, LOADED VEHICLES – EXEMPTION FOR FARM VEHICLES, by Senator J. Hull, with the following amendments:

- 1. Page 2, Line 14:
  After "if the agricultural product is" insert ": (a)"
- 2. Page 2, Line 15:
  After "a hazard" insert "or a potential hazard" and delete the period and insert ":and (b) loaded in a manner that only allows minimal spillage due to wind blowing the agricultural product in transit."; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **S.B. 114**, THIS IS THE PLACE FOUNDATION, by Senator D. Buhler; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **S.J.R. 9**, RESOLUTION CONCERNING KYOTO PROTOCOL ON GLOBAL CLIMATE CHANGE, by Senator M. Dmitrich; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **S.J.R. 10**, RESOLUTION ESTABLISHING WILDLIFE NUMBERS, by Senator L. Blackham.

Alarik Myrin, Chair

On motion of Senator Myrin, the committee reports were adopted. **S.B. 113**, **S.B. 114**, **S.J.R. 9**, and **S.J.R. 10** were placed on Second Reading Calendar.

#### INTRODUCTION OF BILLS

#### **EMINENT DOMAIN VALUATION**

S.B. 49 Pete Suazo

AN ACT RELATING TO EMINENT DOMAIN; REQUIRING AGENCIES THAT DISPLACE LANDOWNERS TO REIMBURSE AGREED UPON REASONABLE EXPENSES; PROVIDING ADDITIONAL EXPENSES TO BE COVERED; BROADENING REPLACEMENT PROVISIONS FROM DWELLING TO PROPERTY; PROVIDING OWNER MUST BE SATISFIED AND PROVIDED WITH REPLACEMENT PROPERTY; ALLOWING INDEPENDENT APPRAISAL; REQUIRING MEDIATION IN CERTAIN CIRCUMSTANCES; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

#### PROPERTY TAXES-UNIFORM FEES AND CERTIFIED TAX RATE

**S.B. 50** George Mantes

AN ACT RELATING TO THE PROPERTY TAX ACT; IMPOSING A UNIFORM FEE OF \$30 PER YEAR IN LIEU OF OTHER UNIFORM FEES AND PROPERTY TAXES ON CERTAIN TANGIBLE PERSONAL PROPERTY THAT WEIGHS 12,000 POUNDS OR LESS; MODIFYING THE EQUIVALENT TAX FOR APPORTIONALLY REGISTERED VEHICLES; ESTABLISHING REIMBURSEMENT FEES FOR COUNTIES TO PAY TO THE COMMISSION FOR COLLECTING UNIFORM FEES; INCREASING TAXING ENTITIES' CERTIFIED TAX RATES TO OFFSET THE DECREASE IN REVENUES FROM UNIFORM FEES; INCREASING THE CERTIFIED REVENUE LEVY TO OFFSET THE DECREASE IN REVENUES FROM UNIFORM FEES; REQUIRING PROPERTY TAX NOTICES TO CONTAIN A

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STATEMENT FOR THE 1999 CALENDAR YEAR THAT A TAXING ENTITY'S PROPERTY TAX RATE INCREASE OR A PORTION OF THE PROPERTY TAX RATE INCREASE IS ATTRIBUTABLE TO A REDUCTION IN UNIFORM FEES BY THE LEGISLATURE; MAKING TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

#### MINING - SURETY AND RECLAMATION REQUIREMENTS

S.B. 147 Mike Dmitrich

AN ACT RELATING TO MINED LAND RECLAMATION; SPECIFYING RESPONSIBILITIES OF THE DIVISION AND BOARD OF OIL, GAS AND MINING IN APPROVING THE AMOUNT AND FORM OF SURETY REQUIRED TO BE PROVIDED BY MINING OPERATIONS, was read for the first time and referred to the President of the Senate.

#### **EVALUATION OF PROVISIONAL EDUCATORS**

AN ACT RELATING TO PUBLIC EDUCATION; REQUIRING AN EVALUATION OF A PROVISIONAL EDUCATOR IN THE FIRST AND SECOND HALF OF EACH CONTRACT YEAR; AND PROVIDING A PENALTY FOR FAILURE TO CONDUCT THE EVALUATIONS, was read for the first time and referred to the President of the Senate.

#### LANDSCAPE ARCHITECT LICENSING ACT

S.B. 149 Craig A. Peterson

AN ACT RELATING TO OCCUPATIONS AND PROFESSIONS; RENUMBERING AND AMENDING THE LANDSCAPE ARCHITECT LICENSING ACT; REVISING THE DEFINITION OF THE PRACTICE OF LANDSCAPE ARCHITECTURE; REVISING THE DEFINITION OF AND PENALTIES FOR UNLAWFUL CONDUCT; REVISING THE EXEMPTIONS FROM LICENSURE; AUTHORIZING THE USE OF SEALS BY LICENSEES; REQUIRING ALL SITE PLANS TO BEAR THE SEAL OF A LICENSEE; AND MAKING TECHNICAL CHANGES, was read for the first time and referred to the President of the Senate.

#### COST-OF-LIVING ADJUSTMENT AMENDMENTS

S.B. 150 Mike Dmitrich

AN ACT RELATING TO RETIREMENT; AMENDING CERTAIN COST-OF-LIVING ADJUSTMENT PROVISIONS IN THE FIREFIGHTERS'

RETIREMENT SYSTEM; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

#### PROPERTY TAX EXEMPTION FOR VETERANS

#### S.B. 151

Craig A. Peterson

AN ACT RELATING TO THE PROPERTY TAX ACT; REMOVING FOR PURPOSES OF THE DISABLED VETERANS' PROPERTY TAX EXEMPTION THE MAXIMUM INCOME LIMIT FOR ELIGIBILITY; MAKING TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

#### WATER CONSERVANCY DISTRICTS BONDING AUTHORITY

#### S.B. 152

Howard A. Stephenson

AN ACT RELATING TO SPECIAL DISTRICTS; AND RESTRICTING WATER CONSERVANCY DISTRICT BONDS FROM IMPOSING AN OBLIGATION ON THE DISTRICT TO TAX AT THE MAXIMUM RATE, was read for the first time and referred to the President of the Senate.

#### **SPECIAL ORDER OF BUSINESS**

**S.C.R. 2**, RESOLUTION URGING CREATION OF THE SAN RAFAEL SWELL NATIONAL HERITAGE/CONSERVATION AREA, was read the second time.

On motion of Senator Dmitrich, the bill was amended as follows:

1. Page 3, Line 3:

After line 3, insert:

"WHEREAS, development of the San Rafael Swell National Heritage/Conservation Area should proceed with recognition of prior existing rights;

2. Page 3, Line 15:

After line 15, insert:

"BE IT FURTHER RESOLVED that, if the conservation area would diminish the value or economic potential of state school and institutional trust lands located within the boundaries of the area, those lands would be exchanged for federal lands of equal value and potential elsewhere in the state concurrent with the creation of the conservation area, without expense or loss to the beneficiaries of those trust lands."

Senator Dmitrich explained the bill. Senators Myrin, Steiner, Howell, and Nielson commented. The bill passed on the following roll call:

## Yeas, 26; Nays, 0; Absent, 3.

## **Voting in the affirmative were:** Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie	-	_

## **Absent or not voting were:** Senators

Mantes Mayne McAllister

#### THIRD READING CALENDAR

**S.B. 29**, APPROPRIATION FOR MOVING BOTANICAL GARDENS, was read the third time and explained by Senator Holmgren.

On motion of Senator Holmgren, the bill was circled.

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**S.B. 4**, MEDICAL EXAMINER AUTHORITY, was read the third time, explained by Senator Montgomery, and passed on the following roll call:

## Yeas, 25; Nays, 0; Absent, 4.

## **Voting in the affirmative were:** Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mayne	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie	J	<b>T</b>	

## **Absent or not voting were:** Senators

Blackham Mantes McAllister Poulton

**S.B. 4** was transmitted to the House.

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On motion of Senator Hillyard, **S.B. 77** and **S.B. 81** were lifted from the Third Reading Table, placed at the top of the Third Reading Calendar and circled.

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**S.B. 77**, MIDDLE SCHOOLS TASK FORCE, was read the third time. On motion of Senator Steele, the bill was circled.

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On motion of Senator Hillyard, the circle was removed from **S.B. 81**, REAUTHORIZATION OF JUVENILE JUSTICE TASK FORCE, and it was before the Senate. Senator Hillyard explained the bill and it passed on the following roll call:

#### Yeas, 28; Nays, 0; Absent, 1.

#### **Voting in the affirmative were:** Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

# Absent or not voting was: Senator

Mantes

**S.B. 81** was transmitted to the House.

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On motion of Senator Holmgren, the circle was removed from **S.B. 29**, APPROPRIATION FOR MOVING BOTANICAL GARDENS, and it was before the Senate. Senator Holmgren explained the bill. Senators Steele, Waddoups, Holmgren, Tanner, Buhler, Taylor, and McAllister commented. The bill passed on the following roll call:

#### Yeas, 19; Nays, 8; Absent, 2.

## **Voting in the affirmative were:** Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Jones	Mayne

Montgomery Myrin C. Peterson M. Peterson Steele Steiner Suazo Tanner Taylor Wharton Beattie

**Voting in the negative were:** Senators

Buhler Mantes McAllister Muhlestein Nielson Poulton Stephenson Waddoups

## **Absent or not voting were:** Senators

Hull Mansell

**S.B. 29** was transmitted to the House.

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On motion of Senator Poulton, the circle was removed from **S.B. 88**, ADMINISTRATIVE RULES – IMPACT COSTS, and it was before the Senate. Senator Poulton explained the bill.

Senator Blackham moved the following amendments:

1. Page 4, Line 17:

After line 17, insert: "(4) Prior to filing a rule with the division, the department head shall consider and comment on the fiscal impact a rule may have on businesses."

Renumber the remaining sections accordingly.

- 2. Page 5, Line 1 (goldenrod copy 1–26–98): At the end of the line, bracket "and"
- 3. Page 5, Line 2 (goldenrod copy 1–26–98):
  After "period" delete the period and insert "; and"
- 4. Page 5, Lines 3–4 (goldenrod copy 1–26–98):
  Delete lines 3 through 4 and insert "(1) comments by the department head on the fiscal impact the rule may have on businesses."

Senator Poulton commented. The amendments passed on a voice vote.

The bill passed on the following roll call:

## Yeas, 27; Nays, 0; Absent, 2.

# **Voting in the affirmative were:** Senators

Blackham Buhler Dmitrich Evans Hillyard Holmgren Howell Jones

Mantes McAllister Mayne Montgomery C. Peterson Muhlestein Myrin Nielson M. Peterson **Poulton** Steele Steiner Stephenson Suazo Tanner **Taylor** Waddoups Wharton Beattie

## **Absent or not voting were:** Senators

Hull Mansell

**S.B. 88**. as amended, was transmitted to the House.

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On motion of Senator Steele, the circle was removed from **S.B. 77**, MIDDLE SCHOOLS TASK FORCE, and it was before the Senate.

Senator Stephenson moved the following amendments:

- 1. Page 1, Line 14:
  After "following" delete "15" and insert "17"
- 2. Page 1, Line 26:

After "<u>(viii)</u>" delete "<u>one member</u>" and insert "<u>three members</u>", after "<u>be</u>" delete "<u>a parent of a</u>" and insert "<u>parents of</u>", and after "<u>school</u>" delete "<u>student</u>" and insert "<u>students</u>"

3. Page 1, Line 27:
After "through" delete "(viii" and insert "(vii")

4. Page 2, Line 1:

After line 1 insert the following:

"(c) (i) One of the parent members under Subsection (1)(a)(viii) shall be appointed by the president of the Senate, one shall be appointed by the speaker of the House of Representatives, and one shall be appointed by the governor.

(ii) In addition to the parent members under Subsection (1)(a)(viii), at least 50% of the rest of the members shall have a child who attends or who has attended a middle school."

Senator Hillyard commented. The amendments passed on a voice vote.

On motion of Senator Stephenson, the bill was amended as follows:

5. Page 2, Line 24:
After "faculty:" delete "and" and insert "(h) receiving credit towards

high school graduation for core classes taken in seventh and eighth grade that are usually taken by ninth or tenth graders; and"

6. Page 2, Line 25:
At the beginning of line 25 delete "(h)" and insert "(i)"

The bill passed on the following roll call:

## Yeas, 27; Nays, 0; Absent, 2.

## **Voting in the affirmative were:** Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	v

# **Absent or not voting were:** Senators

Howell McAllister

**S.B.** 77, as amended, was transmitted to the House.

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**Sub. S.B. 97**, LICENSE PLATES – SNOWBOARD UTAH, was read the third time, explained by Senator Montgomery, and failed to pass on the following roll call:

## Yeas, 14; Nays, 13; Absent, 2.

## **Voting in the affirmative were:** Senators

Blackham	Evans	Holmgren	Hull
Mansell	Mayne	Montgomery	Myrin
C. Peterson	Poulton	Stephenson	Suazo
Tanner	Waddoups		

## **Voting in the negative were:** Senators

Buhler	Dmitrich	Hillyard	Jones
Mantes	McAllister	Muhlestein	Nielson
M. Peterson	Steiner	Taylor	Wharton
Beattie			

**Absent or not voting were:** Senators

Howell Steele

Sub. S.B. 97 was filed.

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On motion of Senator Holmgren, the circle was removed from **S.B. 24**, SNOWMOBILE SPECIAL LICENSE PLATES, and it was before the Senate. Senator Holmgren explained the bill. Senators C. Peterson and Wharton commented. On motion of Senator Holmgren, the bill was circled.

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On motion of Senator McAllister, the Senate voted to hold **Sub. S.B. 97**,, LICENSE PLATES – SNOWBOARD UTAH, for possible reconsideration.

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**S.B. 5**, JUDICIAL CUSTODY OF YOUTH TO HUMAN SERVICES, was read the third time, explained by Senator Tanner, and passed on the following roll call:

#### Yeas, 29; Nays, 0; Absent, 0.

## **Voting in the affirmative were:** Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie	· ·	-	

**S.B. 5** was transmitted to the House.

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On motion of Senator Hillyard, **S.B. 34**, SALES TAX – EXEMPTION FOR HIGHER EDUCATION ATHLETIC EVENTS, will be considered Monday, February 2, 1998 at 10:30 a.m.

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On motion of Senator C. Peterson, and at 11:50 a.m., the Senate recessed.

# **AFTERNOON SESSION**

The Senate reassembled at 2:00 p.m., with President Beattie presiding.

#### **COMMUNICATIONS FROM THE HOUSE**

Mr. President:

January 29, 1998

Day 11

The House passed, as amended, **H.B. 252**, WATER QUALITY ACT AMENDMENTS, by Representative D. Ure, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 44**, TELEMARKETING REQUIREMENTS, by Representative L. Nelson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 10**, DRIVING UNDER THE INFLUENCE — CONDITIONAL LICENSING, by Representative N. Stephens, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 216**, SALES TAX EXEMPTION FOR MUNICIPALITY-SPONSORED EVENTS, by Representative D. Ure, and it is transmitted for consideration; and

The House passed **H.B. 47**, APPROPRIATION FOR ENGLISH AS SECOND LANGUAGE ADULT EDUCATION CLASSES, by Representative T. Rowan, and it is transmitted for consideration; and

The House passed **H.B. 39**, CRIMINAL INTENT, by Representative J. Arrington, and it is transmitted for consideration; and

The House passed **H.B. 225**, JURISDICTION IN UTAH COURTS, by Representative P. Arent, et al, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 232**, STATUTE OF LIMITATIONS, by Representative P. Buckner, and it is transmitted for consideration: and

The House passed **H.B. 247**, REVENUES FOR THE STATE SCHOOL FUND, by Representative D. Iverson, and it is transmitted for consideration; and

The House passed **H.B. 261**, MUNICIPAL GOVERNMENT CIVIL SERVICE SELECTION PROCEDURES, by Representative R. Killpack, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 9**, RESOLUTION ENCOURAGING SCHOOL BREAK FOR 2002 OLYMPICS, by Representative G. Cox, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 252, H.B. 44, H.B. 10, Sub. H.B. 216, H.B. 47, H.B. 39, H.B. 225, Sub. H.B. 232, H.B. 247, H.B. 261**, and **H.J.R. 9** were read the first time and referred to the President of the Senate.

#### INTRODUCTION OF BILL

#### **ELECTRIC RESTRUCTURING PROVISIONS**

**S.B. 67** Leonard M. Blackham

AN ACT RELATING TO PUBLIC UTILITIES; REMOVING PROHIBITION ON ORDER OR HEARINGS; PROVIDING FOR CERTAIN REPORTS; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE, was read the first time and referred to the President of the Senate.

#### THIRD READING CALENDAR

**S.C.R. 1**, FUNDING FOR OLENE WALKER HOUSING TRUST FUND RESOLUTION, was read the third time, explained by Senator Suazo, and passed on the following roll call:

#### Yeas, 18; Nays, 8; Absent, 3.

#### **Voting in the affirmative were:** Senators

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Buhler	Evans	Holmgren	Howell
Hull	Jones	Mansell	Mantes
Mayne	Montgomery	Muhlestein	Myrin
M. Peterson	Steele	Steiner	Suazo
Tonnor	Doottio		

Tanner Beattie

#### **Voting in the negative were:** Senators

Blackham	Hillyard	McAllister	Nielson
Poulton	Stephenson	Taylor	Waddoups

## **Absent or not voting were:** Senators

Dmitrich C. Peterson Wharton

**S.C.R. 1** was transmitted to the House.

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**S.B. 82**, MASTER DEEDS OF TRUST OR MORTGAGES, was read the third time and explained by Senator Hillyard. Senators Beattie and Mansell commented. The bill passed on the following roll call:

#### Yeas, 28; Nays, 0; Absent, 1.

## **Voting in the affirmative were:** Senators

Blackham	Buhler	Dmitrich	<b>Evans</b>
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Beattie

## **Absent or not voting was:** Senator

Wharton

**S.B. 82** was transmitted to the House.

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**S.B. 85**, REAUTHORIZATION OF ADMINISTRATIVE RULES, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

## Yeas, 27; Nays, 0; Absent, 2.

## **Voting in the affirmative were:** Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Beattie	

## **Absent or not voting were:** Senators

Evans Wharton

**S.B. 85** was transmitted to the House.

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**S.B. 86**, ADMINISTRATIVE RULES AMENDMENTS, was read the third time and explained by Senator Stephenson.

On motion of Senator Stephenson, the bill was amended as follows:

1. Page 5, Line 20:
After "suspended" delete "during the annual general session"

The bill passed on the following roll call:

#### Yeas, 28; Nays, 0; Absent, 1.

#### **Voting in the affirmative were:** Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Beattie

## Absent or not voting was: Senator

Wharton

**S.B. 86** was transmitted to the House.

#### SECOND READING CALENDAR

**S.J.R. 5**, RESOLUTION ENCOURAGING DEVELOPMENT OF ELECTRONIC VOTING, was read the second time. Senator Howell explained the bill. Senators Myrin, Blackham, Steele, M. Peterson, and Hillyard commented. The bill failed to pass on the following roll call:

## Yeas, 11; Nays, 16; Absent, 2.

## **Voting in the affirmative were:** Senators

Dmitrich	Evans	Howell	Hull
Mantes	Mayne	Montgomery	M. Peterson
Steele	Steiner	Suazo	

#### **Voting in the negative were:** Senators

Blackham	Buhler	Hillyard	Holmgren
Jones	Mansell	McAllister	Muhlestein
Myrin	Nielson	Poulton	Stephenson
Tanner	Taylor	Waddoups	Beattie

#### **Absent or not voting were:** Senators

C. Peterson Wharton

**S.J.R. 5** was filed.

\* \* \*

**S.J.R. 6**, RESOLUTION AMENDING SPECIAL SESSIONS, was read the second time. Senator Blackham explained the bill. Senators Buhler, Hillyard, Nielson, and Myrin commented. The bill passed on the following roll call:

## Yeas, 19; Nays, 9; Absent, 1.

#### **Voting in the affirmative were:** Senators

Blackham	Dmitrich	Evans	Howell
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Nielson	C. Peterson
M. Peterson	Steele	Stephenson	Suazo
Tanner	Taylor	Waddoups	

# **Voting in the negative were:** Senators

Buhler Hillyard Holmgren Hull Mantes Myrin Poulton Steiner

Beattie

**Absent or not voting was:** Senator

Wharton

\* \* \*

**S.J.R. 7**, RESOLUTION AMENDING THE DATE OF GENERAL LEGISLATIVE SESSION, was read the second time. On motion of Senator Mantes, the bill was circled.

\* \* \*

**S.B. 73**, BEER INDUSTRY DISTRIBUTION ACT, was read the second time. Senator Blackham explained the bill. Senator Taylor commented. The bill passed on the following roll call:

## Yeas, 27; Nays, 0; Absent, 2.

# **Voting in the affirmative were:** Senators

Blackham Buhler Dmitrich Evans Hillyard Holmgren Howell Hull

Day 11 Thursday, January 29, 1998

Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Beattie	

# **Absent or not voting were:** Senators

Jones Wharton

\* \* \*

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On motion of Senator C. Peterson and at  $3:00\ p.m.$ , the Senate adjourned until  $10:00\ a.m.$ , Friday, January  $30,\ 1998$ .

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	SSAULTING A PEACE OFFICER (R. Evans) Read for the first time and referred to the President of the Senate
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<b>S.B. 91</b> TC	SSAULTING A PEACE OFFICER (R. Evans) Read for the first time and referred to the President of the Senate
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Assigned to standing committee Placed on calendar Read the second time Before the Senate Transmitted to the House	97
S.B. 93 HIGHER EDUCATION PRESIDENTIAL AUTHORITY (R. Evans) Read for the first time and referred to the President of the Senate. Assigned to standing committee Placed on calendar Amendments Read the second time Failed	29 37 95, 144 123
S.B. 94 AMENDMENTS TO SPECIAL DISTRICTS (R. Evans) Read for the first time and referred to the President of the Senate. Assigned to standing committee Placed on calendar. Amendments Read the second time Read the third time. Transmitted to the House	38 96 149 147
S.B. 95 ORDERLY SCHOOL TERMINATION ACT AMENDMENTS (D. Steele) Read for the first time and referred to the President of the Senate	37 140
S.B. 96 SAFE DRINKING WATER ACT AMENDMENTS (J. Holmgren) Read for the first time and referred to the President of the Senate	37 83 103
S.B. 97 LICENSE PLATES - SNOWBOARD UTAH (R. Montgomery) Read for the first time and referred to the President of the Senate. Assigned to standing committee Placed on calendar Amendments Read the second time Read the third time Failed Other	70 115 201 232 233
S.B. 98 CLINICAL EXERCISE PHYSIOLOGISTS (R. Montgomery)  Read for the first time and referred to the President of the Senate	30
S.B. 99 MOTOR VEHICLE - CONSUMER PROTECTION AMENDMENTS (D. But Read for the first time and referred to the President of the Senate	<i>ıhler)</i> 30 7.0
S.B. 100 RADAR JAMMING DEVICES ( <i>J. Hull</i> )  Read for the first time and referred to the President of the Senate	1.25
S.B. 101 — SPECIAL REVENUE FUND ( <i>L. McAllister</i> )  Read for the first time and referred to the President of the Senate  Placed on calendar	31

Read the second time.41Read the third time.72Transmitted to the House.72
S.B. 102 AMENDMENTS TO INDIVIDUAL INCOME TAX (D. Buhler)  Read for the first time and referred to the President of the Senate
S.B. 103 INDIGENT DEFENSE FUND AMENDMENTS (L. Blackham) Read for the first time and referred to the President of the Senate
S.B. 104 AMENDMENTS TO AGRICULTURAL EXEMPTION FOR AGRICULTURAL WORKERS (R. Steiner)  Read for the first time and referred to the President of the Senate
S.B. 105 — UTAH CENTENNIAL OPPORTUNITY PROGRAM FOR EDUCATION ACT AMENDMENT ( <i>L. McAllister</i> )  Read for the first time and referred to the President of the Senate
S.B. 106 PARKING RESTRICTIONS (D. Buhler) Read for the first time and referred to the President of the Senate
S.B. 107 NOTARY ON ELECTRONIC DOCUMENT (C. Peterson)  Read for the first time and referred to the President of the Senate
S.B. 108 ALCOHOLIC BEVERAGE LAW AMENDMENTS (D. Buhler) Read for the first time and referred to the President of the Senate
S.B. 109 STATE LAW LIBRARY AMENDMENTS ( <i>L. Hillyard</i> )  Read for the first time and referred to the President of the Senate
S.B. 110 APPROPRIATION FOR OGDEN PARKWAY HIGHWAY UNDERPASS (R. Montgomery)  Read for the first time and referred to the President of the Senate
S.B. 111 — ENTERPRISE ZONE AMENDMENTS (M. Dmitrich)  Read for the first time and referred to the President of the Senate
S.B. 112 REGULATION OF YOUTH EMPLOYMENT (L. McAllister)  Read for the first time and referred to the President of the Senate
S.B. 113 LOADED VEHICLES - EXEMPTION FOR FARM VEHICLES (J. Hull) Read for the first time and referred to the President of the Senate
S.B. 114 THIS IS THE PLACE FOUNDATION (D. Buhler) Read for the first time and referred to the President of the Senate

<b>S.B. 130</b> COUNTY REGULATION OF WILDLIFE REHABILITATION ( <i>R. Evans</i> )  Read for the first time and referred to the President of the Senate
<b>S.B. 131</b> — AGE OF VICTIM FOR UNLAWFUL SEXUAL INTERCOURSE ( <i>L. McAllister</i> )  Read for the first time and referred to the President of the Senate
<b>S.B. 132</b> — NOTICE ON CREATION OR MODIFICATION OF POLITICAL SUBDIVISIONS ( <i>R Evans</i> )
Read for the first time and referred to the President of the Senate
S.B. 133 OPTIONAL FORMS OF COUNTY GOVERNMENT (R. Evans)  Read for the first time and referred to the President of the Senate
<b>S.B. 134</b> — SOIL CONSERVATION SPECIAL LICENSE PLATE (A. Myrin)  Read for the first time and referred to the President of the Senate
<b>S.B. 135</b> — EXPANSION OF CHILDREN'S JUSTICE CENTER PROGRAM ( <i>C. Peterson</i> )  Read for the first time and referred to the President of the Senate
S.B. 136 MUNICIPAL AND COUNTY LAND USE DEVELOPMENT AND MANAGEMENT (L. McAllister)  Read for the first time and referred to the President of the Senate
<b>S.B. 137</b> — DISASTER SERVICE VOLUNTEER LEAVE ACT ( <i>L. Poulton</i> )  Read for the first time and referred to the President of the Senate
<b>S.B. 138</b> — RETIREMENT – USE OF SICK LEAVE ( <i>D. Buhler</i> )  Read for the first time and referred to the President of the Senate
<b>S.B. 139</b> — PUBLIC SAFETY RETIREMENT COST OF LIVING ADJUSTMENT ( <i>L. Mansell</i> ) Read for the first time and referred to the President of the Senate
<b>S.B. 140</b> — EXTENDING RENEWAL OF CONCEALED FIREARM PERMITS (M. Waddoups)  Read for the first time and referred to the President of the Senate
<b>S.B. 141</b> — HANDGUN PURCHASE REQUIREMENTS (M. Waddoups)  Read for the first time and referred to the President of the Senate
<b>S.B. 142</b> — REGULATION OF CELL PHONE USE BY MOTOR VEHICLE OPERATORS ( <i>R. Steiner</i> )  Read for the first time and referred to the President of the Senate
<b>S.B. 143</b> — RECREATIONAL VEHICLE STANDARDS ( <i>G. Mantes</i> )  Read for the first time and referred to the President of the Senate
S.B. 144 CHANGES REGARDING EXISTING HAZARDOUS WASTE FACILITIES (L. Blackham)  Read for the first time and referred to the President of the Senate
S.B. 145 CHILD SUPPORT AMENDMENTS ( <i>N. Tanner</i> )  Read for the first time and referred to the President of the Senate
<b>S.B. 146</b> — NURSING REGULATION – INTERSTATE COMPACT ( <i>C. Peterson</i> )  Read for the first time and referred to the President of the Senate
<b>S.B. 147</b> — MINING – SURETY AND RECLAMATION REQUIREMENTS ( <i>M. Dmitrich</i> )  Read for the first time and referred to the President of the Senate
S.B. 148 EVALUATION OF PROVISIONAL EDUCATORS ( <i>J. Hull</i> )  Read for the first time and referred to the President of the Senate
<b>S.B. 149</b> — LANDSCAPE ARCHITECT LICENSING ACT ( <i>C. Peterson</i> )  Read for the first time and referred to the President of the Senate
<b>S.B. 150</b> — COST-OF-LIVING ADJUSTMENT AMENDMENTS ( <i>M. Dmitrich</i> )  Read for the first time and referred to the President of the Senate
S.B. 151 PROPERTY TAX EXEMPTION FOR VETERANS (C. Peterson)  Read for the first time and referred to the President of the Senate 223

<b>S.B. 152</b> — WATER CONSERVANCY DISTRICTS BONDING AUTHORITY ( <i>H. Stephenson</i> )  Read for the first time and referred to the President of the Senate
S.C.R. 1 — FUNDING FOR OLENE WALKER HOUSING TRUST FUND RESOLUTION (P. Suazo)  Read for the first time and referred to the President of the Senate
S.C.R. 2 — RESOLUTION URGING CREATION OF THE SAN RAFAEL SWELL NATIONAL HERITAGE/ CONSERVATION AREA (M. Dmitrich) Read for the first time and referred to the President of the Senate
S.C.R. 3 — RESOLUTION DECLARING 1998 THE YEAR OF THE FARMER (A. Myrin) Read the first time
S.J.R. 1 RESOLUTION AMENDING PROPERTY TAX PROVISIONS (R. Montgomery) Read for the first time and referred to the President of the Senate
S.J.R. 4 RESOLUTION SUPPORTING AFFORDABLE HOUSING FROM OLYMPIC HOUSING (P. Suazo) Read for the first time and referred to the President of the Senate
S.J.R. 5 RESOLUTION ENCOURAGING DEVELOPMENT OF ELECTRONIC VOTING (S. Howell)  Read for the first time and referred to the President of the Senate
S.J.R. 6 RESOLUTION AMENDING SPECIAL SESSIONS ( <i>L. Blackham</i> ) Read for the first time and referred to the President of the Senate
S.J.R. 7 RESOLUTION AMENDING THE DATE OF GENERAL LEGISLATIVE SESSION (S. Howell)  Read for the first time and referred to the President of the Senate

Day 11 Thursday, January 29, 1998

<b>S.J.R. 8</b> JO	INT RESOLUTION - COMPENSATION OF IN-SESSION EMPLOYEES (R.
	Montgomery) Read for the first time and referred to the President of the Senate. 31 Placed on calendar . 32 Read the second time . 44 Read the third time . 77 Transmitted to the House . 73 Signed by the President and transmitted to the Governor . 193
	COLUTION CONCERNING KYOTO PROTOCOL ON GLOBAL CLIMATE CHANGE (M. Dmitrich)  Read for the first time and referred to the President of the Senate
<b>S.J.R. 10</b> R	RESOLUTION ESTABLISHING WILDLIFE NUMBERS (L. Blackham) Read for the first time and referred to the President of the Senate
<b>S.J.R. 11</b> J0	OINT RULES RESOLUTION – LEGISLATIVE EXPENSES (C. Peterson)  Read for the first time and referred to the President of the Senate
<b>S.R. 1</b> RES	OLUTION URGING PARENTAL OVERSIGHT OF CHILDREN WATCHING MOVIES (S. Howell) Read for the first time and referred to the President of the Senate
<b>S.R. 2</b> RES	OLUTION URGING REFORM OF FEDERAL CAMPAIGN FINANCE LAWS (S. Howell)  Read for the first time and referred to the President of the Senate
<b>S.R. 3</b> SUP	PORT FOR WENDOVER UTAH-NEVADA ENOLA GAY RESTORATION PROJECT (G. Mantes) Read for the first time and referred to the President of the Senate

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